

Docket No.: 43888-325

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

#1

In re Application of	:	Customer Number: 20277
Tsutomu OHZUKU, et al.	:	Confirmation Number: Not yet assigned
Serial No.: Not yet assigned	:	Group Art Unit: Not yet assigned
Filed: September 01, 2004	:	Examiner: Not yet assigned
For:	:	
POSITIVE ELECTRODE ACTIVE MATERIAL, PRODUCTION METHOD THEREOF AND NON-AQUEOUS ELECTROLYTE SECONDARY BATTERY		

**INFORMATION DISCLOSURE STATEMENT**

Honorable Commissioner for Patents and Trademarks  
Washington, D. C. 20231

Sir:

In accordance with the provisions of 37 C.F.R. 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached form PTO-1449. It is respectfully requested that the references be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is being filed with the application and no certification or fee is required.

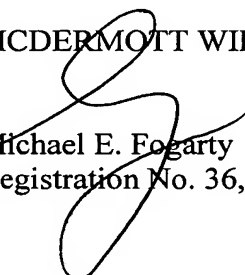
A copy of the foreign search report is attached for the Examiner's information. Please note this is a PCT application in the entry of the National Phase in the U.S. and copies of the references cited were transmitted by WIPO and are believed to be in the file of the above identified application and readily available to the Examiner. Therefore it is believed that Applicants have met all requirements regarding duty of disclosure under 37

CFR 1.56. Acknowledgement and consideration of these documents are respectfully requested.

A copy of the foreign search report is attached for the Examiner's information. Please note this is a PCT application in the entry of the National Phase in the U.S. However, to ensure that these references are available to the Examiner, we are providing copies of these references herewith. Since the Search Report was from the U.S. JPO or EPO search authorities, copies of these references should have been supplied to the USPTO under the trilateral agreement and are believed to be in the file of the above identified application and readily available to the Examiner.

Respectfully submitted,

MCDERMOTT WILL & EMERY LLP

  
Michael E. Fogarty  
Registration No. 36,139

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
202.756.8000 MEF:gav  
Facsimile: 202.756.8087  
**Date: September 1, 2004**

<b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>				ATTY. DOCKET NO. <b>43888-325</b>		SERIAL NO. <b>Not yet assigned</b>  <div style="font-size: 1.5em; font-weight: bold;">10/506298</div>	
(PTO-1449)				APPLICANT <b>Tsutomu OHZUKU, et al.</b>			
FILING DATE <b>September 01, 2004</b>				GROUP <b>Not yet assigned</b>			
U.S. PATENT DOCUMENTS							
EXAMINER'S INITIALS	CITE NO.	Document Number Number-Kind Code <sub>2</sub> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear		
		US 5,631,104	05/20/1997	Zhong et al.			
		US 6,159,637	12/12/2000	Shizuka et al.			
FOREIGN PATENT DOCUMENTS							
EXAMINER'S INITIALS	CITE NO.	Foreign Patent Document Country Codes - Number - Kind Codes (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Figures Appear	Translation	
						Yes	No
		JP 07-085878	03/31/1995	TECHNOL FINANCE CORP PTY LTD		abstract	
		JP07-320784	12/08/1995	MATSUSHITA ELECTRIC IND CO LTD		abstract	
		JP 07-335261	12/22/1995	MATSUSHITA ELECTRIC IND CO LTD		abstract	
		JP 09-045326	02/14/1997	MATSUSHITA ELECTRIC IND CO LTD		abstract	
		JP 10-027609	01/27/1998	MATSUSHITA ELECTRIC IND CO LTD		abstract	
		JP 10-027626	01/27/1998	MATSUSHITA ELECTRIC IND CO LTD		abstract	
		JP 10-027627	01/27/1998	MATSUSHITA ELECTRIC IND CO LTD		abstract	
		JP 11-072544	03/16/1999	FUJI ELECTROCHEM CO LTD		abstract	
		JP -11-073962	03/16/1999	ASAHI CHEM IND CO LTD		abstract	
		JP 11-321951	11/24/1999	KYOWA KOGYO KK		abstract	
		JP 2000-348725	12/15/2000	TOYOTA MOTOR CORP		abstract	
		JP 2001-210324	08/03/2001	TOYOTA CENTRAL RES & DEV LAB INC		abstract	
		JP 2001-243952	09/07/2001	TOYOTA CENTRAL RES & DEV LAB INC		abstract	
		JP 2002-042889	02/08/2002	TOSHIBA CORP		abstract	
		JP 2002-63900	02/28/2002	HITACHI LTD		abstract	
		JP 2002-208441	07/26/2002	NEC CORP		abstract	
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)							
EXAMINER'S INITIALS	CITE NO.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.					
		QIMING ZHONG et al.; "Synthesis and Electrochemistry of $\text{LiNi}_x\text{Mn}_{2-x}\text{O}_4$ ", J. Electrochem. Soc./The Electrochemical Society, Inc.; c.01/1997; vol. 144, No. 1					
EXAMINER				DATE CONSIDERED			

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.